

In The United States District Court
For The Northern District of Oklahoma

United States of
America

09-CR-00043-FILED

v.

NOV 1 2010

Lindsey K. Springer

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Motion For Release Pending Appeal
or For Reconsideration

Lindsey Kent Springer ("Springer") moves this Court for an order releasing him from prison pending outcome of Appeal pursuant to Title 18, USC § 3143(b)(1)(A) and (B) based upon the likelihood Springer's conviction and Sentence will be reversed by the 10th Circuit on a issues distinct from those previously raised and denied by this Court. In the alternative, Springer moves to Reconsider this Court's order of May 7, 2010 and June 8, 2010. Doc. 363, 377. Adding the Sixth Amendment issue.

Springer states that he is not trying to waste this Court's time with the Motion and Brief herein, but that based upon the Panel decision in 10-5101 Springer needs to request relief in this Court first in order to then request this same relief in 10-5055. That order is dated October 22, 2010.

As more fully set forth in the accompanying Memorandum, Springer asserts that this Court should be clearly convinced that Springer is not a flight risk based upon his previous history with this and other litigation, Springer certainly is not a danger to the community, Springer

☒ No CIV
☒ No Crim
☒ No Evid/Crim
☒ No Cert Svc
☒ No Orig Sign
☒ No Exh
☒ No O/MJ

Appeal is not for the purpose of delay, and Springer raises substantial question(s) of law or fact likely to result in (i) a reversal, (ii) an order for a new trial,

The Two issues are:

1) Did Springer voluntarily, knowingly, and intelligently waive his right to Sixth Amendment Counsel

* 2) Should the Trial Court have suppressed all evidence linked to Donna Meador's use of civil summons in bad faith?

Springer requests this Court issue an order releasing him pending appeal on suitable bond conditions that will reasonably assure this Court Springer will not flee or pose a danger to the community pursuant to Title 18, § 3142, 3143, and Federal Rules of Appellate Procedure Rule 8 and 9. A memorandum accompanies this Motion.

Respectfully Submitted

Andrew Springer

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* Springer tried to brief both but exceeded the page limit, so only the first issue is argued.